

PTO/SB/08A (07-05)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet

1

of

1

**Complete if Known**

Application Number	10/756,970
Filing Date	January 13, 2004
First Named Inventor	Kevin T. Foley, et al.
Art Unit	3731
Examiner Name	Unassigned
Attorney Docket Number	MSDI-223/PC444.06

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
mch ↓ mch		US- 5,197,971	03-30-1993	Bonutti	
		US- 5,235,966	08-17-1993	Jamner	
		US- 5,454,365	10-03-1995	Bonutti	
		US- 5,620,458	04-15-1997	Green et al.	
		US- 5,638,997	06-17-1997	Hawkins et al.	
		US- 6,228,022	05-08-2001	Friesem et al.	
		US- 2002/0026195 A1	02-28-2002	Layne et al.	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
mch mch		EP 1 293 228 A2	03-19-2003	Terumo Medical Corp.		
		WO 2004/049961 A1	06-17-2004	OTIS-BIOTECH CO., LTD.		

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Considered

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
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				Filing Date	January 13, 2004
				First Named Inventor	Kevin T. Foley
				Group Art Unit	3731
				Examiner Name	Unassigned
				Attorney Docket Number	4002-3443/PC444.06
Sheet	1	of	6		

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
mdh		4,313,434	02-02-1982	Segal	
		4,545,374	10-08-1985	Jacobson	
		4,603,694	08-05-1986	Wheeler	
		4,969,888	11-13-1990	Scholten et al.	
		4,990,148	02-05-1991	Worrick III et al.	
		5,062,845	11-05-1991	Kuslich et al.	
		5,112,346	05-12-1992	Hiltebrandt et al.	
		5,431,676	07-11-1995	Dubrul et al.	
		5,445,639	08-29-1995	Kuslich et al.	
		5,484,441	01-16-1996	Koros et al.	
		5,562,736	10-08-1996	Ray et al.	
		5,653,713	08-05-1997	Michelson	
		5,913,867	06-22-1999	Dion	
		5,928,239	07-27-1999	Mirza	
		6,004,326	12-21-1999	Castro et al.	
mdh		6,066,154	05-23-2000	Reiley et al.	
		6,080,174	06-27-2000	Dubrul et al.	
		6,142,997	11-07-2000	Michelson	

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Substitute for form 1449A/PTO

*(use as many sheets as necessary)*

Sheet	2	of	6
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<b>Application Number</b>	10/756,970
<b>Filing Date</b>	January 13, 2004
<b>First Named Inventor</b>	Kevin T. Foley
<b>Group Art Unit</b>	3731
<b>Examiner Name</b>	Unassigned
<b>Attorney Docket Number</b>	4002-3443/PC444.06

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
mch		6,200,320	03-13-2001	Michelson	
		6,224,604	05-01-2001	Suddaby	
		6,235,043	05-22-2001	Reiley et al.	
		6,241,734	06-05-2001	Scribner et al.	
		6,248,110	06-19-2001	Reiley et al.	
		6,280,456	08-28-2001	Scribner et al.	
		6,379,364	04-30-2002	Brace et al.	
		6,383,188	05-07-2002	Kuslich et al.	
		6,395,007	05-28-2002	Bhatnagar et al.	
		6,423,083	07-23-2002	Reiley et al.	
		6,440,138	08-27-2002	Reiley et al.	
		6,468,279	10-22-2002	Reo	
		6,485,456	11-26-2002	Kletschka	
		6,530,933	03-11-2003	Yeung et al.	
		6,575,919	06-10-2003	Reiley et al.	
		6,575,978	06-10-2003	Peterson et al.	
mch		6,582,439	06-24-2003	Sproul	
		6,582,446	06-24-2003	Marchosky	

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U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
meh		6,599,291	07-29-2003	Foley et al.	
		6,607,544	08-19-2003	Boucher et al.	
		6,613,018	09-02-2003	Bagga et al.	
		6,623,505	09-23-2003	Scribner et al.	
		6,626,905	09-30-2003	Schmiel et al.	
		6,641,587	11-04-2003	Scribner et al.	
		6,663,647	12-16-2003	Reiley et al.	
		6,676,665	01-13-2004	Foley et al.	
		6,679,886	01-20-2004	Weikel et al.	
		6,682,535	01-27-2004	Hoogland	
		6,716,216	04-06-2004	Boucher et al.	
		6,719,761	04-13-2004	Reiley et al.	
		6,719,773	04-13-2004	Boucher et al.	
		6,726,691	04-27-2004	Osorio et al.	
		6,730,095	05-04-2004	Olson, Jr. et al.	
		6,746,451	06-08-2004	Middleton et al.	
		US 2001-0034526	10-25-2001	Kuslich et al.	
mch		US 2001-0034527	10-25-2001	Scribner et al.	

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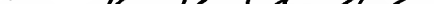
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				Filing Date	January 13, 2004
				First Named Inventor	Kevin T. Foley
				Group Art Unit	3731
				Examiner Name	Unassigned
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		Number-Kind Code <sup>2</sup> (if known)			
mel		US 2002-0010471	01-24-2002	Wironen et al.	
		US 2002-0013600	01-31-2002	Scribner et al.	
		US 2002-0020431	02-21-2002	Chou	
		US 2002-0022856	02-21-2002	Johnson et al.	
		US 2002-0026197	02-28-2002	Foley et al.	
		US 2002-0068939	06-06-2002	Levy et al.	
		US 2002-0082605	06-27-2002	Reiley et al.	
		US 2002-0099385	07-25-2002	Ralph et al.	
		US 2002-0120240	08-29-2002	Bagga et al.	
		US 2002-0156483	10-24-2002	Voellmicke et al.	
		US 2002-0161373	10-31-2002	Osorio et al.	
		US 2002-0173796	11-21-2002	Cragg	
		US 2002-0173813	11-21-2002	Peterson et al.	
		US 2002-0188299	12-12-2002	Reiley et al.	
		US 2002-0188300	12-12-2002	Arramon et al.	
md		US 2003-0004530	01-02-2003	Reo	
		US 2003-0032963	02-13-2003	Reiss et al.	
		US 2003-0036763	02-20-2003	Bhatnagar et al.	

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Examiner Signature		Date Considered	5/14/07
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**INFORMATION DISCLOSURE  
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Sheet 5 of 6

**Complete if Known**

Application Number	10756,970
Filing Date	January 13, 2004
First Named Inventor	Kevin T. Foley
Group Art Unit	3731
Examiner Name	Unassigned
Attorney Docket Number	4002-3443/PC444.06

**U.S. PATENT DOCUMENTS**

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		Number-Kind Code <sup>2</sup> (if known)			
mch		US 2003-0078589	04-24-2003	Preissman	
		US 2003-0125747	07-03-2003	Sproul	
		US 2003-0144670	07-31-2003	Pavcnik et al.	
		US 2003-0195518	10-16-2003	Cragg	
		US 2003-0195547	10-16-2003	Scribner et al.	
		US 2003-0220650	11-27-2003	Major et al.	
		US 2003-0233096	12-18-2003	Osorio et al.	
		US 2004-0002713	01-01-2004	Olson et al.	
		US 2004-0024410	02-05-2004	Olson et al.	
		US 2004-0052829	03-18-2004	Shimp	
		US 2004-0064058	04-01-2004	McKay	
		US 2004-0068264	04-08-2004	Treace	
mch		US 2004-0068267	04-08-2004	Harvie et al.	
		US 2004-0092946	05-13-2004	Bagga et al.	
		US 2004-0102845	05-27-2004	Reynolds	

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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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Group Art Unit	3731
Examiner Name	Unassigned
Attorney Docket Number	4002-3443/PC444.06

Sheet

6

of

6

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cito No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	Y <sup>2</sup>
mch		WALTER DICK, Internal Fixation of Thoracic and Lumbar Spine Fractures, 1943, Hans Huber Publishers, 130 pages	
mch		H.G. EDELAND, Open Reduction of Central Compression Fractures of the Tibial Plateau, Preliminary Report of a New Method and Device Arrangement, Department of Orthopaedic Surgery, Central Hospital, Molndal, Sweden, 1976, Acta orthop. scand. 47, 686-689	
mch		N. ZEMLYAK, The Method of Endoprosthetic Replacement of the Coxofemoral Joint, Description of Invention (Supplement to the Certificate of Authorship), 04/12/1983, SU 1148610A, U.S.S.R. State Committee on Inventions and Discoveries, 5 pages	
mch		H. DANIAUX, Transpedicular Repositioning and Spongiosaplasty in Fractures of Vertebral Bodies of the Lower Thoracic and Lumbar Spine (German), 1986, Unfallchirurg (Trauma Surgeon), University Clinic for Traumatologic Surgery, Innsbruck, 89:197-213, 17 pages	
mch		H. DANIAUX, Transpedicular Repositioning and Spongiosaplasty in Fractures of Vertebral Bodies of the Lower Thoracic and Lumbar Spine (English), 1986, Unfallchirurg (Trauma Surgeon), University Clinic for Traumatologic Surgery, Innsbruck, 89:197-213, 14 pages	
mch		NIKOLAUS NICOLA M.D. and EVALDO LINS M.D., Vertebral Hemangioma: Retrograde Embolization - Stabilization with Methyl Methacrylate, Department of Neurosurgery and Neuroradiology, University of Dusseldorf, Federal Republic of Germany, 1987, Elsevier Science Publishing Co., Inc., 27:481-6, 6 pages	
mch		P. GALIBERT, H. DERAMOND, P. ROSAT, D. LE GARS, Preliminary Note on Treatment of Spinal Angiomas by Percutaneous Acrylic Vertebroplasty (French and English), 1987, Masson, Paris, Neurosurgery Dept., Regional University Hospital Center, PO Box 3006, 80030 Amiens Cedex, France, 33:166-168, 5 pages	
mch		C. LAPRAS, C. MOTTOLESE, R. DERUTY, CH. LAPRAS JR., J. REMOND, J. DUQUESNEL, Percutaneous Injection of Methylmethacrylate in the Treatment of Severe Vertebral Osteoporosis and Osteolysis (P. Galibert Technique), 1989, Annales De Pediatrie, Paris Cedex, France, 43, 5, 371-376, 11 pages	
mch		P. GALIBERT, H. DERAMOND, Percutaneous Acrylic Vertebroplasty as Treatment for Spinal Angiomas and Painful, Debilitating Spinal Conditions, 1990, Masson, Paris, 116, p. 326-335, 18 pages	
mch		DR. MATTHIAS RICHTER-TURTUR, Instrument for Treatment of Vertebral Fracture, 02/07/1991, DE 39 22 044 A1, 9 pages	
mch		H. DERAMOND, P. GALIBERT, C. DEPRIESTER-DEBUSSCHE, Percutaneous Intraosseous Injections in Palliative Treatment of Bone Metastases, Amiens University Hospital Center, Place Victor-Pauchet, 80054 Amiens Cedex 1, France, p. 36-40, 9 pages	
mch		YVES BASCOULERGUE MD, J. DUQUESNEL MD, R. LECLERCQ MD, C. MOTTOLESE MD, C. LAPRAS MD, Percutaneous Injection of Methyl Methacrylate in the Vertebral Body for the Treatment of Various Diseases: Percutaneous Vertebroplasty, 1205, 1 page	

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**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

Page 1 of 2

Atty. Docket No.

4002-3443

Serial No.

New

Applicant

Kevin T. Foley et al.

Filing Date

January 13, 2004

Group

Unknown

**U.S. PATENT DOCUMENTS**

*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropriate
mdh	1	817,973	4/17/06	Hausmann	600	204	
	2	4,204,531	5/27/80	Aginsky	128	92	
	3	4,854,312	8/8/89	Raftopoulos et al.	128	92	
	4	4,995,868	2/26/91	Brazier	604	105	
	5	5,059,193	10/22/91	Kuslich	606	61	
	6	5,074,871	12/24/91	Groshong	606	170	
	7	5,108,404	4/28/92	Scholten et al.	606	94	
	8	5,171,278	12/15/92	Pisharodi	623	17	
	9	5,390,683	2/21/95	Pisharodi	128	898	
	10	5,693,100	12/2/97	Pisharodi	623	17	
	11	5,423,850	6/13/95	Berger	606	192	
	12	5,480,400	1/2/96	Berger	606	60	
	13	5,554,101	9/10/96	Matula et al.	600	214	
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							Yes	No

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Page 2 of 2

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Kevin T. Foley et al.

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January 13, 2004

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Unknown

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